

**Board for Architects, Professional Engineers, Land Surveyors and Landscape
Architects combined two PRE-NOIRA submissions into one submission.
Both submissions follows.**

PRE-NOIRA CHECKLIST EXPLANATION SHEET - 1

1. Reasons for the Proposed Regulations

The APELSLA Board has identified several changes that need to be made to its regulations to ensure that they accurately reflect the intent of the Board and to ensure that any unnecessary requirements are removed.

The purpose of the proposal is to make the following changes:

§3.6 - Clarify those portions as needed for the implementation of the computerized examination.

§4.4 - Requirements for Fundamentals of Engineering (FE) exam. Change to allow applicants to be approved for the FE examination if they are within 12 months of completion of undergraduate degree requirements from an ABET accredited curriculum; or within six months of completion of graduate degree requirements which are ABET accredited or ABET accredited at the undergraduate level from the same institution at which the graduate degree is being sought.

§4.5- Requirements for engineer-in-training (EIT) designation. Add a section to allow FE candidates to be approved for examination without experience if they hold a Master's degree which is ABET accredited or ABET accredited at the undergraduate level at the same institution.

§4.5.1 - Requirements for engineer-in-training (EIT) designation. Clarify to match the Section's application of this regulation in allowing a candidate holding a foreign or non-approved four year undergraduate engineering or engineering technology degree and a Master's degree that is ABET accredited to sit for the FE examination without any experience.

§4.12 - Clarify that the standards to be met by comity applicants are those standards that were in place in Virginia at the time the comity applicant became originally licensed.

Fee Schedules in Parts IV and V. Clarify the fee schedule to clearly indicate the amount of fee due for comity applicants.

§§5.3 - 5.5 - Part V - Land Surveyor Qualifications. Reduce experience requirements as recommended by the Section when it reviewed its regulations under Executive Order #15.

§§5.4 and 5.5 - Requirements for a licensed land surveyor (A & B). Remove the minimum passing scores and number of hours to allow the Land Surveyor Section the flexibility to change the examinations as needed.

§5.3.1 - Requirements for land surveyor-in-training. Modify to allow undergraduates in an approved surveying or surveying technology program who are within 12 months of graduating to sit for the LSIT examination during their senior year (similar to language in §4.4 for the EIT examination).

§5.9 - Licensure by comity. Clarify language to be similar to language in §4.12.

§7.5 - References. Delete this section as a reference is being obtained when work experience is verified.

§11.2 - Reinstatement. Add wording clearly stating the Board's policy that reinstatement reaches back.

Part XII - Standards of Practice and Conduct. Add a section requiring individuals to notify the Board of any change of address within 30 days.

§12.8.B - Use of seal. Add the Board's clarification of the term "final documents."

§12.10 - Licensee required at each place of business. Change to permit a licensee to supervise more than one place of business provided that professional services are only offered and/or practiced when the licensee is present and exercising supervision and control of work in each profession being practiced.

2. Legal Authority/Mandate

§ 54.1-404 of the Code of Virginia requires the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects to develop and administer a regulatory system to regulate individuals in Virginia who practice architecture, professional engineering, land surveying, landscape architecture and interior design.

3. Statement of Essential Nature

The regulations are essential to comply with state mandates and to adopt the least burdensome alternatives allowed.

4. Statement of Alternatives Considered

Failure to adopt these changes will allow unnecessary requirements to remain in the regulations and would allow unclear language to remain in the regulations.

1. Reasons for the Proposed Regulations

When the APELSLA Board revised its regulations in 1991/92, it was the APELSLA Board's intent that this program be required of all candidates (as evidenced by the wording of §3.4.B at that time - "The Intern-architect Development Program (IDP) shall be required of all applicants on or after January 1, 1993."); however, when the regulations were revised in 1994, the revisions were not correctly affected and the result was ambiguous wording in the regulations. Even though this change was not correctly implemented in 1994, §3.4.B of the current regulations still states, "The Intern-architect Development Program (IDP) shall be required of all applicants."

In addition, approximately 37 other states require this program for licensure which will impede Virginia candidates from obtaining licenses in other states unless the Virginia candidates are required to complete the same program. It is much easier to start this program while an individual is still in school and complete the program shortly after graduation than to have to go back and complete the program at a later date.

2. Legal Authority/Mandate

§ 54.1-404 of the Code of Virginia requires the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects to develop and administer a regulatory system to regulate individuals in Virginia who practice architecture, professional engineering, land surveying, landscape architecture and interior design.

3. Statement of Essential Nature

The regulations are essential to comply with state mandates and to adopt the least burdensome alternative allowed by allowing architects who are initially licensed in Virginia to become licensed in other jurisdictions.

4. Statement of Alternatives Considered

Failure to adopt this clarification, even though initially more restrictive, will, in many cases, prevent architects who are initially licensed in Virginia without the NCARB IDP from becoming licensed in other jurisdictions. However, those persons initially licensed in other states through the NCARB IDP may become licensed in Virginia. Therefore, it is recommended that this clarification be approved.